

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BALJINDER KAUR RANDHAWA,

Plaintiff.

V.

PUNJAB PALACE, INC. dba INDIA MAHAL
RESTAURANT, SATNAM RANDHAWA and
DOES 1-3, inclusive,

Defendants.

Case No. C06-5300FDB

ORDER GRANTING IN PART
MOTION FOR SUMMARY
JUDGMENT AND DECLINING TO
EXERCISE SUPPLEMENTAL
JURISDICTION OVER AND
DISMISSING WITHOUT
PREJUDICE REMAINING STATE
CLAIMS

Plaintiff brings federal and state claims for wages and other compensation for her work in the family restaurant, along with claims under Washington law for breach of contract, invasion of privacy based on identity theft, and both negligent and intentional infliction of emotional distress.

Defendant moves for summary judgment on all claims. Plaintiff does not dispute that summary judgment is appropriate on her Federal claim based on the Fair Labor Standards Act violations. As a result, only claims based on State law remain, and Plaintiff requests that this court dismiss her Federal claim and decline to exercise supplemental jurisdiction over her State claims, dismissing them without prejudice in order that she may refile them in State court.

ORDER - 1

1 The Federal claim in this case being subject to dismissal, the parties being in agreement that
2 the Federal wage claim should be dismissed, leaving only claims under State law, this Court declines
3 to exercise supplemental jurisdiction and will dismiss the State claims without prejudice. *See* 28
4 U.S.C. § 1337(c)(3).

5 || NOW, THEREFORE, IT IS ORDERED:

6 1. Defendants' Motion for Summary Judgment [Dkt. # 29] of dismissal is GRANTED IN
7 PART as to Plaintiff's claim under the Fair Labor Standards Act, as it is unopposed by Plaintiff;
8 Defendants' Motion as to the remaining claims under State law is DENIED;

9 2. The Court declines to exercise supplemental jurisdiction over the remaining claims under
10 State law, and they are DISMISSED WITHOUT PREJUDICE;

11 3. Defendants' Motion to Allow Late Filed Reply [Dkt. # 38] is GRANTED;

12 4. The Clerk is directed to enter Judgment in accordance with this Order and to close this
13 case.

14 DATED this 9th day of August, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

26 || ORDER - 2